

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:04-CR-191

v

Hon. Gordon J. Quist

DONALD MAGETT,

Defendant.

/

ORDER DENYING MOTION TO REINSTATE BOND

Pending before the court is the Defendant's Amended Motion to Reinstate Bond (docket no. 121). For the reasons set forth below, the motion will be denied.

Defendant was arraigned and released on an unsecured appearance bond in September 2004. On October 10, 2005, the defendant, by his attorney, sought an order for the defendant to undergo a psychiatric or psychological examination pursuant to 18 U.S.C. § 4241(a) and (b). The government concurred in the motion. The court granted the motion and allowed the defendant to voluntarily report to a medical facility to be designated. Order of October 13, 2005.

Defendant was ordered to report to a medical facility in Lexington, Kentucky, on November 8, 2005. However, on November 5, 2005, defendant sent a handwritten note to the U.S. Marshals Service informing them that he had decided not to report as directed, and he did not. This resulted in a bench warrant being issued on November 15, 2005. Defendant remained at liberty until he was arrested by federal marshals in Detroit on November 30, 2005. Following a hearing on

December 5, 2005, pursuant to 18 U.S.C. § 3148, defendant's bond was revoked and he was ordered detained pending trial.

Title 18 § 3142(f) provides that a detention hearing may be reopened by the judicial officer conducting it at any time prior to trial, if the judge finds that information exists that was not known to the movant at the time of the hearing and the information has a material bearing on the issue of whether there are conditions of release that would reasonably assure the appearance of the defendant for court. Defendant offers no such new evidence here which would have a material bearing on the issue of whether defendant would be any more disposed to appearing for a proceeding in the future that he did not favor than he was in the past. The motion to reopen the hearing and reinstate defendant's bond is DENIED.

IT IS SO ORDERED.

Dated: April 14, 2006

/s/ Hugh W. Brenneman, Jr.
Hugh W. Brenneman, Jr.
United States Magistrate Judge